

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ANDRE KINARD,</b> <b>Petitioner</b>	:	<b>CIVIL ACTION</b>
	:	
	:	
<b>v.</b>	:	<b>NO. 05-2804</b>
	:	
<b>JOHN PALAKOVICH, et al.,</b> <b>Respondents</b>	:	
	:	

**ORDER**

**STENGEL, J.**

**AND NOW**, this 16th day of November, 2006, upon careful and independent consideration of the petition for writ of *habeas corpus*, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, and both sets of Petitioner's identical Objections thereto (Documents #25 and #26)<sup>1</sup>, IT IS ORDERED that:

1. Petitioner's Objections are OVERRULED.
2. The Report and Recommendation is APPROVED and ADOPTED.
3. The petition for a writ of *habeas corpus* is DENIED with prejudice.
4. There is no probable cause to issue a certificate of appealability.
5. The Clerk of the Court shall mark this case closed for all purposes.

BY THE COURT:

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/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.

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<sup>1</sup> Petitioner mailed one set of Objections addressed to the Clerk of Court with instructions to file, and mailed a second set addressed to me with correspondence informing that the set was a courtesy copy. The Clerk's Office inadvertently filed both sets.